

**AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

Claim 1 (Previously Presented): A semiconductor device comprising:

a first insulating film formed over a semiconductor substrate;

a capacitor constructed by forming a lower electrode, a dielectric film, and an upper electrode sequentially over the first insulating film;

a first capacitor protection insulating film covering the dielectric film and the upper electrode;

a second capacitor protection insulating film formed over the first capacitor protection insulating film;

a second insulating film formed over the second capacitor protection insulating film; and

a first-layer metal wiring formed over the second insulating film and connected electrically to the upper electrode via a contact hole extending through the second insulating film, the second capacitor protection insulating film and the first capacitor protection insulating film,

wherein an amount of carbon contained in the second capacitor protection insulating film is larger than an amount of carbon contained in the second insulating film.

Claim 2 (Original): A semiconductor device according to claim 1, wherein the second capacitor protection insulating film is a silicon oxide film.

Claim 3 (Original): A semiconductor device according to claim 1, wherein the second insulating film is a silicon oxide film.

Claim 4 (Original): A semiconductor device according to claim 1, wherein the first capacitor protection insulating film is made of any one of alumina, PLZT, PZT, titanium oxide, aluminum nitride, silicon nitride, and silicon nitride oxide.

Claim 5 (Original): A semiconductor device according to claim 1, wherein the dielectric film is made of any one of PZT material and bismuth material.

Claims 6 - 20 (Cancelled)

Claim 21 (Currently Amended): A semiconductor device comprising:  
a first insulating film formed over a semiconductor substrate;  
a capacitor constructed by forming a lower electrode, a dielectric film, and an upper electrode sequentially over the first insulating film;

a first capacitor protection insulating film covering the upper surface of the upper electrode  
and the aspect of the upper electrode and the dielectric film;

a second capacitor protection insulating film formed over the first capacitor protection  
insulating film; and

a second insulating film formed, in its entirety, on the second capacitor protection insulating  
film.

Claim 22 (Currently Amended): A semiconductor device comprising:

a first insulating film formed over a semiconductor substrate;

a capacitor constructed by forming a lower electrode, a dielectric film, and an upper electrode  
sequentially over the first insulating film;

a first capacitor protection insulating film covering the dielectric film and the upper  
electrode;

a second capacitor protection insulating film formed over the first capacitor protection  
insulating film;

a second insulating film formed over the second capacitor protection insulating film; and

a first-layer metal wiring formed over the second insulating film and connected electrically  
to the upper electrode via a contact hole extending through [[in]] the second insulating film.

Claim 23 (Currently Amended): A semiconductor device according to claim **22**, wherein the first-layer metal wiring is formed over the second insulating film and connected electrically to the upper electrode via a contact hole extending through ~~[[in]]~~ the second insulating film, the second capacitor protection insulating film and the first capacitor protection insulating film.

Claim 24 (New): A semiconductor device comprising:

- a first insulating film formed over a semiconductor substrate;

- a capacitor constructed by forming a lower electrode, a dielectric film, and an upper electrode sequentially over the first insulating film;

- a first capacitor protection insulating film covering the dielectric film and the upper electrode;

- a second capacitor protection insulating film formed over the first capacitor protection insulating film; and

- a second insulating film formed over the second capacitor protection insulating film;

- wherein an amount of carbon contained in the second capacitor protection insulating film is larger than an amount of carbon contained in the second insulating film, and

- the second capacitor protection insulating film covering continuously over the capacitor and the first insulating film.